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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,799	04/24/2001	Ricky Keang-Po Ho	014271-0259668	6808

27498 7590 03/06/2007
PILLSBURY WINTHROP SHAW PITTMAN LLP
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EXAMINER

RIZK, SAMIR WADIE

ART UNIT	PAPER NUMBER
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2133

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/841,799	HO ET AL.	
	Examiner	Art Unit	
	Sam Rizk	2133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-42 is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 8 and 14-26 is/are rejected.
- 7) ☒ Claim(s) 4-6, 9-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- Response to the applicant's amendment dated 12/13/2006
- Claims 1-42 have been submitted for examination
- Claims 1-3,7,8,14-26 have been rejected
- Claims 4-6 and 9-13 are objected to
- Claims 27-42 are allowable

Response to Arguments

1. Applicant's arguments filed on 12/13/2006 have been fully considered but they are not persuasive.
2. The Examiner disagrees with the applicant assertions on page 2, lines 16, 17, 31, 32 through page 3, lines 1-7 that (emphasis added):

"Kuwata does not teach or suggest, inter alia, aspects of parity calculation that are required in the present claims."

.....

"Kuwata, col, 7, lines 22-31, Kuwata is concerned with easing timing resections - not with calculating parity - and, consequently, the absence of parity modules or parity calculations of input bits in the Kuwata specification and drawings is unsurprising. Moreover, even if Kuwata can be said to discuss or mention certain of the components that are recited in certain of the claims (e.g. exclusive-OR logic elements), Kuwata does not teach these elements arranged in any manner that anticipates the claimed subject matter. Therefore, Kuwata cannot be said to identically show all elements of independent claim 1, arranged as they are in the claim and the rejection of independent claim 1 and its dependent claims should be withdrawn."

The Examiner makes the following points:

a) For a person skilled in the art, parity check is commonly performed using

"XOR" logic. Even so Kuwata has not used the term "parity", Kuwata is inherently calculating the parity check as claimed in claim 1 of the instant application.

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b) Kuwata did teach in Figure 2 the element of "PRE-CODER 1 / 2" (reference characters (22-1) and (22-2) and "EXOR3" (reference character (23) same as any of the arrangement of the cells in Figure 3 of the instant application.

The following table shows the correlation of the two inventions:

	Kuwata Fig. 2	Instant Application Fig. 3
XOR	Reference character (15)	Reference character (100(1,1))
Delay	Reference character (16)	Reference character (200(1,2))
Output XOR	Reference character (23)	Reference character (100(1,M+1))

3. The Examiner disagrees with the applicant and maintains the rejection of claims 1-3,7,8 and (14-26) as in the office action filed on 6/13/2006. All the amendments and arguments have been considered. It is the Examiner's conclusion that claims 1-3,7,8 and (14-26) is not patentably distinct or non-obvious over the prior art of record in view of the reference, Kuwata. Therefore the rejection is maintained.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Rizk whose telephone number is (571)-272-8191. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (571)272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

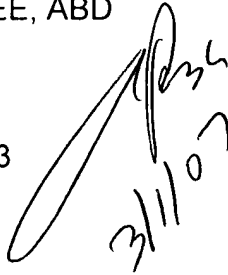
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published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sam Rizk, MSEE, ABD

Examiner

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Handwritten signature of Sam Rizk, dated 3/1/07.



Handwritten signature of Albert DeCady, dated 3/1/07.

ALBERT DECADY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100